

FEBRUARY 8, 1833.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. BELL, from the Committee on the Judiciary, reported the following bill:

A BILL

More effectually providing for the execution of the Revenue Laws in certain cases, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That,*
3 wherever any civil suit shall be commenced in any State court
4 against any collector, surveyor, inspector, or other officer of
5 the customs, or any revenue officer, or any person aiding or
6 assisting them, or any of them, in the execution of the duties
7 of their office, and for or on account of any act done, or omit-
8 ted to be done, under the laws of the United States, it shall
9 and may be lawful for the defendant or defendants in such
10 suit, to apply, by petition, to the judge of the United States'
11 circuit court for the district in which said suit may be brought,
12 setting forth the nature and cause of said suit, accompanied
13 with a certified copy of the record, if the same can be pro-
14 cured, and if not, stating, by affidavit, the reason why such
15 certified copy is not produced, and praying that said suit may
16 be removed to the said circuit court for said district; and the
17 judge of said circuit court shall thereupon cause the said suit

18 to be entered in said circuit court; and the further proceedings
 19 therein shall be the same as though said suit had been origi-
 20 nally commenced in said circuit court; whatever may be the
 21 amount of the sum, or the damages claimed, or the citizenship
 22 or residence of the parties: *Provided*, That, if special bail was
 23 required in the suit when brought in the State court, the pe-
 24 titioner shall, before said suit shall proceed in the said circuit
 25 court, enter good and sufficient bail in the clerk's office of the
 26 said circuit court; and, thereupon, the bail taken in the State
 27 court shall be discharged.

1 SEC. 2. *And be it further enacted*, That, whenever a suit
 2 is entered in any circuit court of the United States, as herein
 3 before provided for, it shall be the duty of said court to cause
 4 due notice thereof, under the hand and seal of the clerk of
 5 said court, to be given to the State court in which said suit
 6 was originally brought; and, on receiving such notice, the State
 7 court shall proceed no further in said cause. And if the said
 8 State court shall, nevertheless, proceed therein, it shall be the
 9 duty of said circuit court, on the application of the original de-
 10 fendant or defendants, setting forth the fact on oath, to issue
 11 an injunction, prohibiting and enjoining the plaintiff in said
 12 suit, his agents and attorneys, from further proceeding in, or
 13 prosecuting said suit in said State court.

1 SEC. 3. *And be it further enacted*, That in all other pro-
 2 ceedings in nature of a civil suit under process of a State court,

3 or judge, or justice of a State court, by a capias in withernam,
4 or in nature of distress by attachment, or otherwise, against
5 the person or effects of any officer of the customs or revenue
6 officer, as herein before specified, or any other person aiding or
7 assisting them, or for or on account of any act done or omitted
8 to be done under and by virtue of the laws of the United
9 States, it shall and may be lawful for the judge of the United
10 States' circuit court for the district in which such process may
11 issue, or the United States' district judge of said district, on ap-
12 plication of the defendant or defendants for that purpose, set-
13 ting forth the facts on oath, forthwith to issue an injunction,
14 restraining and enjoining the plaintiff in such capias, or attach-
15 ment, or other process, from any further proceeding therein.

1 SEC. 4. *And be it further enacted,* That, upon the issu-
2 ing of any process of injunction, as herein provided for, it shall
3 be the duty of the marshals, forthwith, to execute the same,
4 as the sheriffs of the several States may do. And if any indi-
5 vidual or individuals shall knowingly and wilfully obstruct
6 or resist any officer of the United States in serving, or at-
7 tempting to serve or execute said process, or shall disobey
8 said process when executed, he or they so offending shall be
9 guilty of a misdemeanor; and, on conviction thereof, shall be
10 fined not exceeding five thousand dollars, and imprisoned not
11 exceeding two years, at the discretion of the court.

1 Sec. 5. *And be it further enacted*, That either of the jus-
2 tices of the Supreme Court, or either of the judges of the dis-
3 trict courts of the United States, in addition to the authority
4 already conferred on them by law, shall have power to grant
5 writs of habeas corpus in all cases of a person or persons in
6 jail or confined, where he or they shall have been committed
7 or imprisoned in pursuance of any sentence of any State court
8 for any act done in pursuance of the revenue laws of the
9 United States, or any order, process, or decree, of any judge
10 or court of the United States; any thing in any act of Con-
11 gress to the contrary notwithstanding. And if any person
12 shall disobey the commands of said writ of habeas corpus, he
13 shall be adjudged guilty of a misdemeanor, and, on conviction
14 thereof, may be fined not exceeding six thousand dollars, and
15 imprisoned not exceeding three years, at the discretion of the
16 court.